

IN RE: PETITION FOR ADMINISTRATIVE
VARIANCE
W/S Glasshouse Garth, 275 ft.
from c/l Greenhouse Circle
11th Election District
5th Councilmanic District
Steven W. Heiger, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Steven W. Heiger and Peggy A. Heiger, his wife for that property known as 23 Glasshouse Garth in the Arbour Green subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1802.3.B, 301.1.A and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 ft., in lieu of the required minimum 8.25 ft., for an open projection, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 16-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 507.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of November, 1993 that the Petition for a Zoning Variance from Sections 1802.3.B, 301.1.A and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 ft., in lieu of the required minimum 8.25 ft., for an open projection, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1993

Mr. and Mrs. Steven W. Heiger
23 Glasshouse Garth
Baltimore, Maryland 21236

RE: Petition for Administrative Variance
Case No. 94-169-A
Property: 23 Glasshouse Garth

Dear Mr. Heiger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 23 GLASSHOUSE GARTH

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property at 23 Glasshouse Garth, Baltimore County, Maryland, hereby petition for a variance from Sections 1802.3.B, 301.1.A, and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot for an open projection in lieu of the minimum required 8.25 feet.

Because the Residential Transition Area touches the rear of our house, we are unable to build a deck on the rear of the house. We want to build a 10'0" x 16'0" deck on the side of the house with steps to grade, but a variance is required because we have only 11'0" to the property line that abuts County Open Spaces, as shown on the attached drawing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type or Print Name
Signature
Address
City
State
Zip Code
Orville M. Jones
9533 Belair Road
Baltimore, Maryland 21236
256-6630

A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be set for a public hearing, advertised, or required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: DATE: ESTIMATED POSTING DATE: ITEM #

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 23 Glasshouse Garth
Baltimore, Maryland 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Because the Residential Transition Area touches the rear of our house we are unable to build a deck on the rear of the house. We want to build a 10'0" x 16'0" deck on the side of the house with steps to grade, but a variance is required because we only have 11'0" to the property line that abuts County Open Spaces, as shown on the attached drawing.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Steven W. Heiger
Steven W. Heiger
Type or Print Name
Signature
Peggy A. Heiger
Type or Print Name
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 11th day of November, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Steven W. Heiger and Peggy A. Heiger

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
November 11, 1993
My Commission Expires:

Petition for Administrative Variance
94-169-A
to the Zoning Commissioner of Baltimore County
for the property located at 23 Glasshouse Garth

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property at 23 Glasshouse Garth, Baltimore County, Maryland, hereby petition for a Variance from Sections 1802.3.B, 301.1.A, 504 (V.B.6.b) To allow a side yard setback of 1 foot for an open projection in lieu of the minimum required 8.25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type or Print Name
Signature

Steven W. Heiger
Type or Print Name
Signature
Peggy A. Heiger
Type or Print Name
Signature

23 Glasshouse Garth
Baltimore, Maryland 21236
City State Zip Code

Orville M. Jones
9533 Belair Road
Baltimore, Maryland 21236
256-6630
City State Zip Code

A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be set for a public hearing, advertised, or required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: DATE: ESTIMATED POSTING DATE: ITEM #

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 23 Glasshouse Garth
Baltimore, Maryland 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Because the Residential Transition Area touches the rear of our house we are unable to build a deck on the rear of the house. We want to build a 10'0" x 16'0" deck on the side of the house with steps to grade, but a variance is required because we have only 11'0" to the property line that abuts County Open Spaces, as shown on the attached drawing.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Steven W. Heiger
Steven W. Heiger
Type or Print Name
Signature
Peggy A. Heiger
Type or Print Name
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 11th day of November, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Steven W. Heiger and Peggy A. Heiger

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
November 11, 1993
My Commission Expires:

Marguerite F. Strobel
My Commission Expires
January 1, 1995

J. S. DALLAS, INC.
SURVEYING & ENGINEERING
4100 HANCOCK AVENUE
BALTIMORE, MD 21236
(410) 866-2001
FAX (410) 866-2003

ZONING DESCRIPTION FOR: # 23 Glasshouse Garth
Election District 11 Councilmanic District 5

BEGINNING at a point on the west side of Glasshouse Garth which is 76 feet wide at a distance of 275 feet, more or less west of the centerline of the nearest improved intersecting street Greenhouse Circle which is 50 feet wide. Being Lot # 34, Block B, in the subdivision of Arbour Green as recorded in Baltimore County Plat Book # 54, folio # 121, containing 2354 S.F. ±.



172

